

SIMTEK6366

IN THE UNITED STATES PATENT OFFICE


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In re Application of
Tadashi Takano
Susumu AndoApp. No.: 10/064362
Filed: July 6, 2002
Conf. No.: 2095
Title: STATOR COIL STRUCTURE FOR
REVOLVING-FIELD
ELECTRICAL MACHINE AND
METHOD OF MANUFACTURING
SAMEExaminer: T. Lam
Art Unit: 2834
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450I hereby certify that this correspondence and all
marked attachments are being deposited with
the United States Patent Office via fax to
(703) 872-9318 on:

April 3, 2004


Ernest A. Beutler
Reg. No. 19901**REQUEST FOR RECONSIDERATION AND
TRANSMISSION OF NEW DECLARATION**

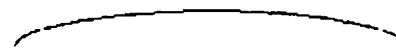
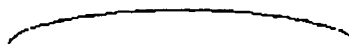
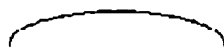
Dear Sir:

In reviewing this application upon receipt of the Office Action, dated January 9, 2004, applicants' attorney noted that the form of declaration originally submitted was incorrect since this case is a continuation in part of applicants' earlier and now issued case. Therefore attached hereto is a new declaration making reference to that case and claiming its priority as well as the priority of the Japanese cases on which the parent was based. Certified copies of those Japanese cases were filed in the parent and thus need not be duplicated here.

The Examiner is most respectfully requested to reconsider and withdraw his obviousness type double patenting rejection for several reasons, that will now be presented.

First it is respectfully submitted that the Examiner is in error in belief that the claim language quoted in the Office Action is the same. A structure that responds to the language of one claim need not necessarily respond to the language of the other.

For example the parent claim only refers to the inclination and thickness of the insulator. The claims in this case refer to the circumferential length of the insulator and the difference thereof along its length. The circumferential length is a surface dimension and can be varied by the shape in cross section as seen in the sketch inserted below.



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Please note that these shapes all have the same axial thickness and would not result in inclined surfaces as claimed in the parent application. Although it is true that shapes could be chosen that would infringe both claims, an infringement of one claim need not infringe the other. Thus it is submitted that the inventions are patentably different.

Also a structure having the axial taper claimed in the parent case would not necessarily have the different circumferential lengths called for in the claims in this case. For example if the width were varied the taper could still be present but the circumferential length could be maintained the same. Thus it would be possible to infringe the claims of the parent case without infringing the claims here. Thus it is submitted that there are patentable differences between the two cases.

Finally, since this application is a continuation in part of the earlier one, its life runs from the filing date of the parent and thus if both cases are maintained for their full lives they will expire on the same day. Thus a terminal disclaimer, that would overcome this rejection, if it is found to be well taken, would be meaningless.

Therefore the Examiner is most respectfully requested to withdraw this rejection.

Respectfully submitted:



Ernest A. Beutler
Reg. No. 19901

Phone (949) 721-1182
Pacific Time

Attachment: New Declaration

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DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION**RECEIVED
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As a below named inventor, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **STATOR COIL STRUCTURE FOR REVOLVING-FIELD ELECTRICAL MACHINE AND METHOD OF MANUFACTURING SAME**; the specification of which was filed on July 6, 2002 under Application No: 10/064362;

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

We acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

We hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)Priority
Claimed

No.: 2001-210195	Country: Japan	Date Filed: July 11, 2001
Yes		
No.: 2001-045282	Country: Japan	Date Filed: February 21, 2001
Yes		
No.: 2001-045941	Country: Japan	Date Filed: February 21, 2001
Yes		
No.: 2001-047179	Country: Japan	Date Filed: February 22, 2001
Yes		

PRIOR U.S. APPLICATION:

09/683764
(App. Serial No.)
(Status)

February 12, 2002

Issued
(Filing Date)

We hereby claim the benefit under Title 35, United States Code, §120 for any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we hereby acknowledge the duty to

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disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

POWER OF ATTORNEY: We hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith (if this application is assigned, We acknowledge that the appointed individual does not represent us, and that instead he represent the assignee): Ernest A. Beutler, Registration No. 19,901, Customer No. 25776.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Tadaschi Takano

Inventor's signature Tadaschi Takano

Date 2004. Jan. 14

Residence: c/o 1450-6 Mori, Mori-machi, Shuuchi-gun, Shizuoka-ken, Japan

Citizenship: Japan

Post Office Address: same as residence

Full name of second inventor: Susumu Ando

Inventor's signature Susumu Ando

Date 2004. Jan. 14

Residence: c/o 1450-6 Mori, Mori-machi, Shuuchi-gun, Shizuoka-ken, Japan

Citizenship: Japan

Post Office Address: same as residence

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